

2010 MAY 11 PM 2:01

JEANNE HICKS, CLERK

BY: S. KELBAUGH

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

THE STATE OF ARIZONA,)

Plaintiff,)

vs.)

STEVEN CARROLL DEMOCKER,)

Defendant.)

P1300

No. CR 2008-1339

BEFORE: THE HONORABLE THOMAS B. LINDBERG
JUDGE OF THE SUPERIOR COURT
DIVISION SIX
YAVAPAI COUNTY, ARIZONA

PRESCOTT, ARIZONA
TUESDAY, MAY 4, 2010
9:31 A.M.

REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS

MINI OPENING BY THE PROSECUTION

ROXANNE E. TARN, CR
Certified Court Reporter
Certificate No. 50808

MAY 4, 2010
9:31 A.M.

MINI OPENING BY THE PROSECUTION

APPEARANCES:

FOR THE STATE: MR. JOE BUTNER AND MR. JEFF
PAPOURE.

FOR THE DEFENDANT: MR. JOHN SEARS, MR. LARRY
HAMMOND AND MS. ANNE CHAPMAN.

MINI OPENING BY THE PROSECUTION

MR. BUTNER: Thank you.

Good morning, ladies and gentlemen of the jury. In this case the evidence will show that on Wednesday evening, July 2nd, 2008, at approximately 8:00 p.m., Carol Kennedy was attacked and beaten to death in her home on Bridle Path, approximately ten miles out Williamson Valley road, on the northern edge of Prescott.

She had been talking on her home phone with her mother in Tennessee while fixing herself a salad after her usual evening run on the open ranch land behind her house. Her mother will testify that Carol said "oh, no" in a tone of discuss or dismay before the phone went dead. But her mother told the police her daughter had screamed "oh, no" because she was worried about her daughter and wanted them to check on her.

Steven DeMocker, Carol's ex-husband as of May 28th, 2008, they had been married over 20 years, said he

1 was riding his bike for about four hours about a mile and a
2 half away on the opposite side of Williamson Valley Road,
3 although he now lived in the Hassayampa Country Club area,
4 about ten miles away in Prescott.

5 Steven DeMocker and Carol Kennedy were
6 fighting about money, even though their divorce was recently
7 concluded. Mr. DeMocker had been ordered to pay Ms. Kennedy
8 \$576,000 in spousal maintenance over a period of eight years.
9 And she had also been awarded his 401-K plan, valued at
10 between 186,000 and \$197,000, and they were still arguing
11 over the disposition of that money.

12 Steven DeMocker was also the beneficiary
13 on two life insurance policies on Carol Kennedy totaling
14 \$750,000. Steven DeMocker filed a claim for those life
15 insurance benefits in August of 2008 after her death.

16 Prior to her death, approximately a week
17 or so, Steven DeMocker had dropped off an odd Big Bertha 3,
18 7 wood golf club that he owned at Carol Kennedy's residence
19 for a garage sale that Carol was going to have.

20 Dr. Keen, the medical examiner will
21 testify that the autopsy that he conducted on July the 3rd,
22 that it was his belief that the multiple fatal blows to
23 Carol's head and brain and the defensive shaft-like injuries
24 across her right arm were consistent with a golf club.

25 When the detectives heard this from

1 Dr. Keen, they went back to Mr. DeMocker's residence to
2 execute a second search warrant, because they had seen golf
3 clubs in his garage during the first search warrant. And
4 when they returned, the golf sock head cover that they had
5 seen in photographs for the Big Bertha No. 7 wood was missing
6 from the shelf that it had been laying on in the garage and
7 the shelf had been rearranged. Steven DeMocker was present
8 when the detectives announced "where's the golf sock?"

9 It had rained within the previous 24
10 hours prior to the time of Carol Kennedy's death. Bicycle
11 tire tracks were found going into a trail head entrance
12 approximately a quarter mile away from her residence. From
13 those bicycle tire tracks, footprints went from the end of
14 the tracks to the back of Carol Kennedy's residence, and then
15 footprints went away from that residence.

16 The hiking shoe tracks that were observed
17 in the soft dirt behind Carol Kennedy's residence, an FBI
18 shoe footprint expert named Eric Gilkerson will testify that
19 those hiking shoe prints were closely comparable to the
20 prints made by a type of hiking shoe that Mr. DeMocker had
21 purchased in the year 2006, which was now missing from his
22 closet.

23 John Hoang, a D.P.S. tire track expert
24 will testify that the bicycle tire tracks in the open range
25 land behind Carol Kennedy's house were similar to the bicycle

1 tires that were on Steven DeMocker's bicycle, although there
2 were millions of those tires made.

3 The golf sock Big Bertha 3, No. 7 wood
4 head cover was turned over to the police after Steven
5 DeMocker was arrested on October 23, 2008, by his attorney
6 John Sears, which Mr. DeMocker had given to on or about July
7 5th of 2008.

8 THE COURT: You have about a minute.

9 MR. BUTNER: Thank you, Your Honor.

10 DNA from three other males was found
11 under Carol Kennedy's left fingernails. The man who lived in
12 the guest house at Bridle Path, James Knapp, cannot be
13 excluded. Steven DeMocker can be excluded from that DNA.
14 DNA from other males was also found on the telephone by Carol
15 Kennedy's body. Steven DeMocker cannot be excluded from that
16 DNA. James Knapp can be excluded.

17 At the conclusion of all the evidence,
18 the State of Arizona will ask you to find Steven DeMocker
19 guilty of first degree premeditated murder of Carol Kennedy,
20 aggravated by the motive of pecuniary gain, and first degree
21 burglary of her residence, which he wrongfully entered and
22 was armed with a golf club that was missing from her
23 residence and which has never been found, just like the
24 hiking shoes that are missing from Steven DeMocker's closet
25 and have never been found, and the golf sock head cover that

1 went missing from his garage until his arrest.

2 It will be up to you, the jury, to decide
3 the penalty.

4 Thank you.

5 (Whereupon, the partial transcript was concluded.)

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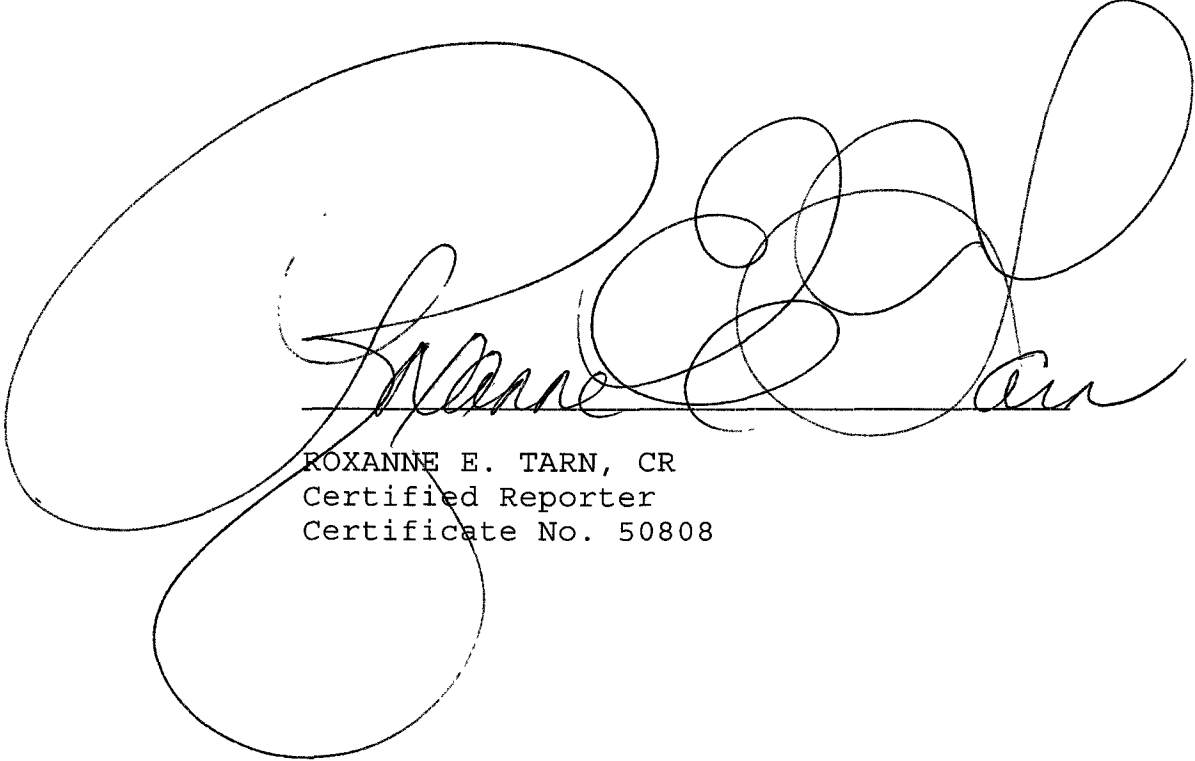
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C E R T I F I C A T E

I, ROXANNE E. TARN, CR, a Certified Reporter
in the State of Arizona, do hereby certify that the foregoing
pages 1 - 6 constitute a full, true, and accurate transcript
of the proceedings had in the foregoing matter, all done to
the best of my skill and ability.

SIGNED and dated this 7th day of May, 2010.



ROXANNE E. TARN, CR
Certified Reporter
Certificate No. 50808